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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,	)	No. CR-09-00549 CW
	)	AMENDED
11 Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER CONTINUING STATUS</b>
12 v.	)	<b>HEARING AND SETTING BEFORE</b>
	)	<b>MAGISTRATE JUDGE</b>
13 SEBASTIAN SBONA,	)	
	)	Hearing Date: January 27, 2010
14 Defendant.	)	Requested Date: <del>March 9, 2010</del> before
15 _____	)	Magistrate Judge Beeler March 16, 2010

16 The above-captioned matter is set on January 27, 2010 before Magistrate Judge  
17 Beeler for a status hearing. The parties jointly request that this Court continue the matter to  
18 <sup>16</sup> ~~March 9, 2010~~ at 10:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18  
19 U.S.C. §§ 3161(h)(4) and (7)(B)(iv), between the date of this stipulation and March 9,  
20 2010.

21 The defense has been reviewing discovery and performing legal research. In  
22 addition, Mr. Sbona suffered from cardiac arrest in early July and had a pacemaker inserted.  
23 He has had complications, including ongoing escalation of arrhythmia, which medical  
24 professionals are trying to correct. In his current medical state, it has not yet been possible  
25 to have substantive meetings to discuss the case. The failure to grant such a continuance  
26 would unreasonably deny counsel for the defendant the reasonable time necessary for

1 effective preparation, taking into account the exercise of due diligence. Because Judge  
2 Wilken will be unavailable in March, the parties ask that the matter be calendared again  
3 before Your Honor.

4 The parties further stipulate and agree that the time from January 27, 2010 to March  
5 16 9, 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18  
6 U.S.C. §§ 3161(h)(4) and (7)(B)(iv).

7  
8 January 25, 2010

\_\_\_\_\_/s/  
NED SMOCK  
Assistant Federal Public Defender

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10  
11 January 25, 2010

\_\_\_\_\_/s/  
CHINHAYI CADET  
Assistant United States Attorney

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by the continuance requested herein outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny the counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court makes this finding because of the defendant's health problems and to allow effective defense preparation of the case.

Based on these findings, IT IS HEREBY ORDERED THAT the STATUS hearing  
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date of January 27, 2010 is continued to March 9, 2010 at 10:00 a.m. and that time be  
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excluded from January 27, 2010 to March 9, 2010 pursuant to 18 U.S.C. §§ 3161(h)(4) and  
(7)(B)(iv).

IT IS SO ORDERED.

January 28, 2010  
\_\_\_\_\_  
Date

/s/ Laurel Beeler  
\_\_\_\_\_  
HON. LAUREL BEELER  
United States Magistrate Judge